



YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 60-9	Subject: VICTIM RIGHTS AND NOTIFICATION
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Applicable ACA Standards:	Revision Date: 01-09-06, 11-23-07, 05-24-10
Signature: /s/ Karen Duncan	Effective Date: 12-31-02
Signature: /s/ Steve Gibson	

I. BUREAU DIRECTIVE:

Youth Community Corrections (YCC) Bureau employees will follow established procedures to treat crime victims with respect, dignity and sensitivity, and to comply with applicable statutes and regulations regarding the notification of crime victims with respect to major changes in the status of offenders with whom those victims were involved. This procedure will be reviewed annually and updated as needed.

II. DEFINITIONS:

Crime Victims Advisory Council - an advisory council comprised of victims, interested parties and the DOC Victim Information Specialist.

Facilitated Contact with Youth - a mediation or counseling technique which brings together a victim and youth under the direction of a neutral facilitator. Typically, the youth's offense is against property, and sessions may include family members or other supporters.

Victim - a person who suffers property, physical, or emotional injury as a result of an offense committed by a youth that would be a felony offense if committed by an adult; an adult relative of the victim if the victim is a minor; or an adult relative of a homicide victim.

Youth Felony Offense - an offense committed by a youth that, if committed by an adult, would constitute a felony offense. The term includes any offense for which a youth may be declared a serious juvenile offender as defined in [41-5-103 \(28\), MCA](#).

III. PROCEDURE:

A. **Victim Rights**

[MCA 41-5-1416](#) defines the County Attorney's responsibilities for victim notification. [MCA 46-24-212](#) and [MCA 46-24-213](#) define DOC's responsibilities for informing a victim.

Information that may be released on youth under the custody of the Department includes the following:

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1. Disclosure of the youth's presence at the facility/program;
2. Disclosure of a youth sex offender's registration with the Department of Justice as required by the sentencing court order to register under [MCA 41-5-1513\(1\) \(c\)](#).

B. Parole Officer Responsibilities

1. The Juvenile Parole Officer (JPO) is required to notify victims(s) when specified in the Youth Court order.
2. When requested by the victim who has provided current address and telephone number, the JPO will:
 - a. promptly inform the victim of the following information concerning an offender committing the offense:
 - i. the custody level;
 - ii. the projected discharge or parole eligibility date;
 - iii. the actual date of the youth's discharge from confinement or parole, if reasonably ascertainable;
 - iv. the community in which the youth will reside after parole.
 - b. promptly inform the victim of the occurrence of any of the following events concerning the offender:
 - i. an escape from a correctional or mental health facility or community program;
 - ii. a recapture;
 - iii. a release from confinement and any conditions attached to the release; and
 - iv. the youth's death.
3. If the youth's court order requires violent/sexual offender registration, the victim will be referred to the Department of Justice or local law enforcement for registration verification.

C. Crime Victims Advisory Council

The Crime Victims Advisory Council is responsible for helping the Department develop ways to establish a more effective relationship with crime victims that is responsive to their issues, needs and concerns. The Victims Information Specialist will function as the staff liaison to this council and provide Departmental support.

D. Restorative Justice Programs

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1. Restorative Justice programs provided by trained facilitators are recognized techniques useful in victim healing and in assisting offenders to gain a moral recognition of his or her impact on people and society due to his or her criminal behavior.
2. JPOs are responsible to refer youth to a recognized Restorative Justice program whenever this has been court-ordered.
3. Whenever a victim requests participation in a Restorative Justice program, the JPO will conduct an initial screening to determine whether the youth is willing to participate. If so, the JPO will refer the youth to a recognized Restorative Justice program. The final screening to determine the appropriateness of a youth's participation will be completed by a trained facilitator. Under no circumstances will a youth be required to participate in this type of program against his or her will as this could result in further trauma to a victim.
4. The JPO will monitor the youth's participation throughout a Restorative Justice program.

E. Training

The Department Training Unit will be responsible for including victim awareness issues in all training dealing with issues which may have impact on a victim. The Department may provide special training programs to ensure employees understand the importance of maintaining an awareness of victims in the course of conducting their duties. The training program will include interpersonal communication skills, procedure requirements and education on sources of help and information, which will be provided to employees with victim contact. Victim/offender mediation training will be provided to select staff.

F. STEPS:	RESPONSIBILITY:
1. When appropriate, refer victim to County Attorney or Juvenile Probation Officer, Department of Justice or law enforcement.	JPO
2. Comply with all court-ordered conditions and victim requests.	JPO

IV. CLOSING:

Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief or the DOC Victim Information Specialist.

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V. REFERENCES:

<u>41-5-1416, MCA</u>	<u>Victims and witnesses of Juvenile Felony Offenses-Consultation-Notification of proceeding</u>
<u>41-5-1513(1) (c), MCA</u>	<u>Disposition - delinquent youth - restrictions</u>
<u>46-23-508, MCA</u>	<u>Dissemination of Information</u>
<u>46-24-203, MCA</u>	<u>Prompt Notification to Victims and Witnesses of Certain Offenses</u>
<u>46-24-212, MCA</u>	<u>Information Concerning Confinement</u>
<u>46-24-213, MCA</u>	<u>General Requirements for Information</u>
<u>53-1-203, MCA</u>	<u>Powers and Duties of the Department of Corrections</u>
<u>DOC 1.1.8</u>	<u>Media Relations</u>
<u>DOC 1.8.1</u>	<u>Victim Services</u>

VI. ATTACHMENTS:

None